

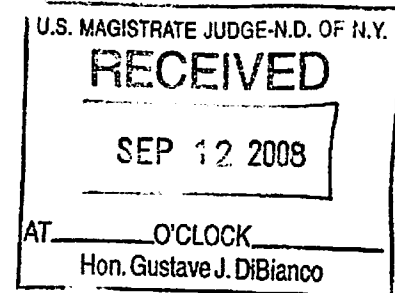


DEPARTMENT OF THE ARMY
HEADQUARTERS, US ARMY MEDICAL DEPARTMENT ACTIVITY
9501 FARRELL ROAD, SUITE E-14
FORT BELVOIR, VIRGINIA 22060-9501

REPLY TO
ATTENTION OF:

03 September 2008

Hon. Magistrate Gustave J. DiBianco
U.S. Courthouse
100 South Clinton Street
P.O. Box 7396
Syracuse, N.Y. 13261-7396



RE: Case # 7:07-CV-996 (TMJ/GJD)

Dear Honorable Judge DiBianco:

I am writing to request your intervention in having my exams re-graded at an early date.

I have taken three Step Examinations which are part of the requirement for certification of physicians to practice medicine. These examinations are administered by the NBME and its subsidiary, the Federation of States Medical Boards.

I am confident that I have passed these examinations, but that they were not scored properly by the NBME. The manual of information provided to students, states that students may request that their examinations be re-scored by hand using the answer key and the candidate's test responses whether the test was done with pencil and paper or on a computer.

The step 1 and step 2 examinations which I took, were done with paper and pencil. The step 3 examination which I took five times, was taken once with pencil and paper electronically on four subsequent occasions. The first two days of the examination done electronically were multiple choice questions, which I answered on line. The third day was composed of clinical questions which were interactive and also done on line. My former legal counsel had requested of the attorney for NBME that the part of the examination which was multiple-choice be printed with the answer key, and submitted to the court for objective rescoring. As of this date, the NBME has not responded to that request.

Providing copies of my examinations and answers with the answer keys to appropriately grade the exams will resolve the law suit.

To date, the attorneys for NBME and Mr. Berg have attempted to resolve the matter. They NBME/FSMB offered to check the software program which scores the

examinations. That does not answer my concern. Further, the manual published by NBME states that they will rescore the examination by hand upon request and payment of the associated fee. The NBME/FSMB has engaged in a vindictive behavior with the intent to defame my character and deny my access to the medical profession. This fact can be proven from the records of the Step 2 exam results copied and kept under seal with the Law Firm of Leonard, Street and Dienard, Minneapolis, MN, which the defendant claimed that I had failed on three occasions, had re-graded and found no change from the originally reported scores.

Subsequent review of those test answer sheets that the defendant claimed to have re-graded revealed that only one of those exams was partially hand-scored. The other two Step 2 exams which the defendant claimed that I had failed by 2, and 1 points, respectively, appeared to have been untouched without any sign of hand-scoring.

The defendant in its initial settlement proposal in 1997-1998, agreed to similar copying of test answers to be kept in sealed envelopes for future exams taken by me, which it administers whether done by pencil and paper or computerized. Prior to signing a settlement agreement in 1998, the defendant claimed it was not responsible for administering the Step 3 exams and further refused to copy the test answers to be kept in sealed envelopes.

I have no reason to believe that there were problems with the computer programs used for grading the Step 2, or Step 3 exams. I also do not have any reason to believe that I have failed any of those examinations.

I appreciate your consideration in this matter.

Respectfully,



MAJ C. Earl Grant, M.D., Ph.D.
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cc: Heidi Martinez
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13261-7396

